

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 15 2016

Department of Water Resources  
Eastern Region

## Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

| Water Right/Claim No. | Split?                       | Water Right/Claim No. | Split?                       | Water Right/Claim No. | Split?                       |
|-----------------------|------------------------------|-----------------------|------------------------------|-----------------------|------------------------------|
| <del>35-7492</del>    | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
| <del>35-12790</del>   | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
| 35-7492 OK            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
| 35-12790 OK           | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Ben Cavaness  
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Jason & Jennifer Kress  
New owner(s) as listed on the conveyance document Name connector ☐ and ☒ or ☐ and/or

2639 Lakeview Rd American Falls ID 83211  
Mailing address City State ZIP  
(208) 221-2766 JKress7033@gmail.com  
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
  - ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 4/10/08

6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
- If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
- New lessor(s) of record will receive payment after the following rental season.

7. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
  - \$25 per undivided water right.
  - \$100 per split water right.
  - No fee is required for pending adjudication claims.

SUPPORT DATA

IN FILE # 35-7492

8. Signature: Jason Kress 4/15/16  
Signature of new owner/claimant Title, if applicable Date

Signature: \_\_\_\_\_  
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 3-15-2016 Receipt No. E041913 Receipt Amt. \$ 50.  
Approved by JB Processed by JB Date 3/31/2016





Pioneer Co.

135 N. Arthur Ave. / Pocatello, Idaho 83204  
(208) 233-9595

Instrument # 194154

POWER COUNTY, IDAHO

2008-06-17

03:26:04 No. of Pages: 2

Recorded for: JASON KRESS

CHRISTINE STEINLICHT

Ex-Officio Recorder Deputy

Fee: 6.00

*J. C. Rupp*

Order No. 20080516 LT

## WARRANTY DEED

For Value Received

Ben Cavaness and Linda Cavaness, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Jason Kress and Jennifer Kress, husband and wife

hereinafter referred to as Grantee, whose current address is \_\_\_\_\_

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 8, 2008

*Ben Cavaness*  
Ben Cavaness

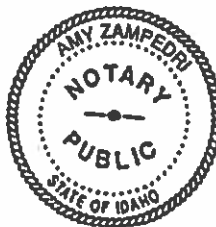
*Linda Cavaness*  
Linda Cavaness

STATE OF

S.

COUNTY OF

On this 10<sup>th</sup> day of April, in the year of 2008, before me, the undersigned, notary public personally appeared Ben Cavaness and Linda Cavaness, known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



*Amy Zampieri*

Notary Public of

Idaho

Residing at 216 Idaho St. American Falls, ID

Commission expires: July 27, 2013

## EXHIBIT A

### Parcel 1A

A parcel of land located in Sections 15 and 22 of Township 9 South, Range 28 East, Boise Meridian, Power County, Idaho. The North Star Placer Claim as shown on mineral survey no. 2643, more particularly described as follows:

Beginning at the Southeast corner of said Section 15; thence South  $0^{\circ}09'$  East 95.3 feet to corner no. 1 of said placer claim; thence South  $67^{\circ}33'$  West 2855.5 feet to corner no. 2 of said placer claim; thence North  $0^{\circ}07'$  West 2480.7 feet to corner no. 3 of said placer claim; thence North  $89^{\circ}32'$  East 2640.6 feet to corner no. 4 of said placer claim; thence South  $0^{\circ}09'$  East 1316.8 feet to the point of beginning.

#### ALSO THE FOLLOWING DESCRIBED EASEMENT:

Commencing at the Northeast corner of the  $SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$  of Section 14, Township 9 South, Range 28 East, Boise Meridian; thence South of the center section line of said Section 14 a distance of 20.0 feet to the true point of beginning;

Thence West on a line parallel to and 20.0 feet South of the Southerly line of the  $N\frac{1}{2}N\frac{1}{2}$  of the  $SW\frac{1}{4}$  of said Section 14 a distance of 2611.1 feet, more or less, to a point, which point is 20.0 feet East of the West section line of said section and 20.0 feet South of the Northwest corner of the  $SW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$  of said Section 14; thence South on a line parallel to and 20.0 feet East of the West section line of said Section 14 a distance of 665.4 feet to a point.

### Parcel 1B

A parcel of land in the SW corner of the Excelsior Placer in the  $SW\frac{1}{4}$  of Section 14 and the  $NW\frac{1}{4}NW\frac{1}{4}$  of Section 23, Township 9 South, Range 28 East, Boise Meridian, Power County, Idaho, described as follows:

Beginning at the Southwest corner of said Section 14, which is marked with a  $5/8"$  rebar and aluminum cap PLS 843 buried 24"; thence North  $00^{\circ}09'00"$  West along the West line of said Section 14, a distance of 700.11 feet; thence from a tangent bearing South  $49^{\circ}01'27"$  East along a curve to the right, having a radius of 1413.0 feet, through a central angle of  $30^{\circ}38'47"$  for an arc length of 755.79 feet to a point on the Northerly boundary of the Minidoka National Wildlife Refuge;

Thence South  $67^{\circ}02'00"$  West along said Northerly boundary a distance of 447.79 feet to a point on the West line of said Section 23, said point being a Brass Cap monument; thence North  $00^{\circ}09'00"$  West, along said west line a distance of 95.92 feet to the TRUE POINT OF BEGINNING.

EXCEPTING AND RESERVING unto the predecessor's in interest of the Grantor herein all mineral rights, including gravel that exist with reference to the conveyed real estate, including the right of ingress and egress.